

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**GLACIER FILMS (USA), INC. and  
GLACIER FILMS 1 LLC,**

Plaintiffs,

v.

**HUMBERTO ALVARADO TENORIO,**

Defendant.

Case No. 3:15-cv-1729-SB

**ORDER**

**Michael H. Simon, District Judge.**

United States Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation in this case on November 22, 2016. Judge Beckerman recommended that the Court grant Plaintiff's Cost Bill in the amount of \$658.25. Judge Beckerman also recommended that the Court deny Plaintiff's motion for attorney's fees or, in the alternative, grant a reduced amount of attorney's fees in the amount of \$218.75. No party has filed objections.

Under the Federal Magistrates Act ("Act"), the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate's findings and recommendations, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting [the Act],

intended to require a district judge to review a magistrate's report to which no objections are filed."); *United States. v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review de novo magistrate's findings and recommendations if objection is made, "but not otherwise").

Although review is not required in the absence of objections, the Act "does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard." *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that "[w]hen no timely objection is filed," the court review the magistrate's findings and recommendations for "clear error on the face of the record."

Because Plaintiff did not object to Judge Beckerman's Findings and Recommendation, including not objecting to her recommendation that attorney's fees be denied, this Court follows the recommendation of the Advisory Committee and reviews Judge Beckerman's Findings and Recommendation for clear error on the face of the record. No such error is apparent. The Court, therefore, adopts Judge Beckerman's recommendation to deny attorney's fees and disregards her alternative recommendation to reduce attorney's fees as moot.

## **CONCLUSION**

The Court **ADOPTS** Judge Beckerman's Findings and Recommendation, ECF 49. The Court GRANTS Plaintiff's Cost Bill (ECF 45), awarding costs in the amount of \$658.25. The Court DENIES Plaintiff's motion for attorney's fees (ECF 46).

## **IT IS SO ORDERED.**

DATED this 19th day of December, 2016.

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/s/ Michael H. Simon  
 Michael H. Simon  
 United States District Judge